

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

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| IN THE MATTER OF THE FILING BY FLOYD) | ORDER FOR AND NOTICE |
| NIGHTINGALE FOR A MASTER METERING) | OF HEARING |
| VARIANCE REQUEST FOR FIVE APARTMENT) | |
| BUILDINGS IN HURON, SOUTH DAKOTA) | NG01-004 |

On March 19, 2001, the Public Utilities Commission (Commission) received a gas master metering variance request from Floyd Nightingale (Nightingale) for five apartment buildings located at 333 21st Street S.E., 335 21st Street S.E., 337 21st Street S.E., 339 21st Street S.E., and 341 21st Street S.E., Huron South Dakota. Nightingale requested to be present at the hearing.

Pursuant to ARSD 20:10:26:07, if an applicant requests a hearing, the Commission shall serve notice of the hearing on the affected utility company and set a procedural schedule. The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-34A, including 49-34A-27, and ARSD Chapter 20:10:26.

A hearing shall be held on April 18, 2001, beginning at 1:30 o'clock P.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether a master metering variance shall be granted to Nightingale for the apartment buildings listed above.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether a master metering variance shall be granted to Nightingale for the apartment buildings listed above. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether a master metering variance shall be granted to Nightingale for the apartment buildings listed above.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a

physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 4th day of April, 2001.

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| <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p> |
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BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner